

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

NERVIVE, INC.,¹

Debtor.

Chapter 11

Case No. 22-11238 (LSS)

(Jointly Administered)

**BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP'S
NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS**

PLEASE TAKE NOTICE that, pursuant to section 1109(b) of title 11 of the United States Code, 11 U.S.C. § 101, *et seq.* (as amended, the “Bankruptcy Code”) and Rule 9010(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Benesch, Friedlander, Coplan & Aronoff LLP (“Benesch”) hereby appears in the above-captioned bankruptcy case (the “Bankruptcy Case”).

PLEASE TAKE FURTHER NOTICE that, pursuant to Bankruptcy Rules 2002(i), 3017, and 9007, the undersigned requests that copies of all notices, pleadings, and all other papers required to be served in the Bankruptcy Case be served upon the following persons, and that such persons be added to the mailing matrix in the Bankruptcy Case:

Kevin M. Capuzzi, Esq.
Juan E. Martinez, Esq.
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¹ The last four digits of the Debtor’s U.S. tax identification number are (8492). The Debtor’s mailing address is 5900 Landerbrook Drive, Mayfield Heights, OH 44124.

-and-

Elliot M. Smith, Esq.
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
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PLEASE TAKE FURTHER NOTICE that, pursuant to sections 342 and 1109(b) of the Bankruptcy Code, the foregoing demand includes not only the notices and papers referred to in the Bankruptcy Rules set forth above, but also includes, without limitation, any orders and notices of any notices, application, complaint, demand, motion, petition, pleading, disclosure statement or plan of reorganization, or request, whether formal or informal, written or oral, and whether transmitted or conveyed by mail, overnight, or hand delivery, telephone, telegraph, telex, or otherwise filed or made with regard to the Bankruptcy Case and proceedings therein.

PLEASE TAKE FURTHER NOTICE that, neither this Notice of Appearance or any subsequent appearance, pleading, claim, or suit is intended or shall be deemed to waive Benesch's: (i) right to have a final order in non-core matters entered only after de novo review by a United States District Court Judge; (ii) right to trial by jury in any proceeding so triable herein or in any case, controversy or proceeding related hereto; (iii) right to have the reference withdrawn by the United States District Court in any matter subject to mandatory or discretionary withdrawal; or (iv) other rights, claims, actions, defenses, setoffs or recoupments to which Benesch is or may be entitled to under agreements, in law, or equity all of which rights, claims, actions, defenses, setoffs, and recoupments are hereby expressly reserved.

Dated: February 6, 2023
Wilmington, Delaware

**BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP**

/s/ Kevin M. Capuzzi

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-and-

Elliot M. Smith (*Pro Hac Vice* forthcoming)

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*Counsel to Benesch, Friedlander, Coplan & Aronoff
LLP*

CERTIFICATE OF SERVICE

I, Kevin M. Capuzzi, hereby certify that on February 6, 2023, a true and correct copy of *Benesch, Friedlander, Coplan & Aronoff LLP's Notice of Appearance and Request for Service of Papers* was served to all parties of record via CM/ECF.

/s/ Kevin M. Capuzzi
Kevin M. Capuzzi (DE No. 5462)